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Letter dated 28 December 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, containing an account of the Committee's activities from 1 January to 31 December 2006 (see annex). The report, which was adopted by the Committee on 27 December 2006, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

In this connection, I would appreciate it if the present letter and its annex were brought to the attention of the members of the Council and issued as a document of the Council.

(*Signed*) Jorge **Voto-Bernales**
Chairman
Security Council Committee established pursuant to
resolution 1533 (2004) concerning the
Democratic Republic of the Congo

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Annex

Report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

A. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo covers the period from 1 January 2006 to 31 December 2006.

2. For 2006, the Bureau consisted of Oswaldo de Rivero (Peru), Chairman from 1 January to 28 July, Jorge Voto-Bernales (Peru), Chairman from 26 October to 31 December, and Japan as Vice-Chairman (see S/2006/846). From 29 July to 25 October 2006, Japan assumed the functions of acting Chairman.

B. Background

3. By paragraph 20 of its resolution 1493 (2003), the Security Council imposed an arms embargo on all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and Ituri, and on groups not party to the Global and All-Inclusive Agreement in the Democratic Republic of the Congo. The resolution also provided for the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to monitor the situation with regard to arms supply and the position and movements of armed groups.

4. By its resolution 1533 (2004), the Council established the Committee to, inter alia, (a) seek information from States regarding implementation of the arms embargo, (b) examine and take action on alleged violations, (c) report to the Council on ways to strengthen the arms embargo and (d) consider notifications for exemptions to the arms embargo.

5. In paragraph 10 of its resolution 1533 (2004), the Council requested the Secretary-General, in consultation with the Committee, to establish a Group of Experts to undertake a series of tasks related to the monitoring of the arms embargo, as set out in the resolution. The Group of Experts was re-established for four subsequent mandates, pursuant to resolutions 1552 (2004), 1596 (2005), 1616 (2005) and 1654 (2006). By resolution 1698 (2006), the Group of Experts was re-established for a period expiring on 31 July 2007.

6. By its resolution 1596 (2005), the Council extended the arms embargo to any recipient on the territory of the Democratic Republic of the Congo, with exemptions including the army and police of the Democratic Republic of the Congo, under conditions set out in the resolution. The resolution also imposed travel restrictions and an assets freeze on persons and entities acting in violation of the arms embargo. By its resolution 1616 (2005), the Council renewed the arms embargo, travel restrictions and assets freeze until 31 July 2006. By its resolution 1649 (2005), the Council extended the scope of the travel restrictions and assets freeze to political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo, or Congolese militias receiving support from abroad, that impede the process of disarmament, demobilization, repatriation, resettlement and reintegration,

to take effect on 15 January 2006, unless the Secretary-General informed the Council that the process of disarmament of those foreign armed groups and Congolese militias was being completed.

7. By its resolution 1698 (2006), the Council renewed until 31 July 2007 the arms embargo, as well as travel and financial restrictions on individuals designated by the Committee in accordance with the criteria set out in resolution 1596 (2005) and 1649 (2005). It also extended the travel and financial measures to political and military leaders recruiting or using child soldiers in violation of applicable international law, and to individuals violating international law involving the targeting of children in situations of armed conflict. In addition to the tasks defined in resolutions 1533 (2004), 1596 (2005) and 1649 (2005), in its resolution 1698 (2006) the Council requested the Group of Experts to recommend feasible and effective measures the Council might impose to prevent the illegal exploitation of natural resources financing armed groups in the eastern part of the Democratic Republic of the Congo, and requested the Secretary-General to present a report on the potential economic, humanitarian and social impact on the population of the Democratic Republic of the Congo of the implementation of possible restrictive measures on natural resources.

C. Summary of the activities of the Committee

8. During the reporting period, the Committee held 11 informal consultations.

9. The final report of the Group of Experts (see S/2006/53) was discussed at informal consultations of the Committee held on 25 January 2006. The Committee agreed to send letters to the Permanent Representatives of the Democratic Republic of the Congo, Rwanda and Uganda, as well as to the Under-Secretary-General for Peacekeeping Operations, to the World Bank Director for South Central Africa and the Great Lakes Region and to the Chairman of the Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda, in connection with information and recommendations contained in the report of the Group of Experts.

10. On 17 January 2006, the Committee approved the annual report on its activities from 1 January 2005 to 31 December 2005. At informal consultations held on 26 January 2006, the Committee hosted a discussion on regional cooperation with the Special Envoy of the President of Rwanda on the Great Lakes Region and the Chairman of the Group of Experts. On 15 February 2006, the Chairman briefed the Council in informal consultations on the activities of the Committee and on the latest report of the Group of Experts.

11. On 15 March 2006, the Committee approved a request by the Government of the Netherlands for a waiver of the travel ban with respect to a national of the Democratic Republic of the Congo included in the list of individuals subject to the measures imposed by paragraphs 13 and 15 of resolution 1596 (2005), for the purpose of his transfer to the International Criminal Court at The Hague.

12. At its informal meeting of 31 March 2006, the Committee considered communications and heard a briefing by the representatives of Bulgaria, Germany and Switzerland concerning issues related to the report of the Group of Experts (see S/2006/53). It was agreed that responses to their communications would be sent in

the light of the discussion held during the meeting, and that the issues discussed would be brought to the attention of the Group of Experts.

13. On 20 April 2006, the Committee received a communication from the Permanent Mission of the Democratic Republic of the Congo to the United Nations, conveying a request of the Government to add the cities of Boma (province of Bas-Congo) and Uvira (province of South Kivu) to the list of receiving sites for supplies of arms and related materiel intended for support or use by units of the army and police of the Democratic Republic of the Congo, pursuant to paragraph 4 of resolution 1596 (2005).

14. On 23 May 2006, the Committee received a midterm report from the Chairman of the Group of Experts and, cognizant of the important role played by States in the region in implementing the relevant measures imposed by the Security Council, hosted a discussion on regional cooperation with the representatives of Burundi, the Democratic Republic of the Congo, and Rwanda. At the same meeting, the Committee hosted a discussion with the Foreign Minister of Uganda, who reassured the members of the cooperation of his Government with the Committee and the Group of Experts. The Committee also heard a briefing by the Permanent Observer of the Holy See to the United Nations. The Committee also examined communications received from the Permanent Mission of Germany containing information on travel documents of Ignace Murwanashyaka, was subject to targeted sanctions, and a letter from the Permanent Mission of Belgium concerning his arrest. On 6 June 2006, the Committee agreed that it would update the list of individuals subject to targeted sanctions to reflect the information conveyed by the Permanent Mission of Germany. The list was further updated on 17 August 2006 with additional information provided to the Committee by the Group of Experts in respect of Douglas Mpamo Iruta.

15. At informal consultations held on 5 July 2006, the Group of Experts presented its final report (S/2006/525), which was further considered by the Committee on 17 July 2006. The Committee discussed issues related to cooperation of neighbouring States with the Group of Experts and agreed that it would send letters to the Permanent Representatives of Rwanda and Uganda. The Committee also agreed to send letters to the Under-Secretary-General for Peacekeeping Operations, to the Secretary-General of the International Civil Aviation Organization (ICAO) and to the World Bank Director for South Central Africa and the Great Lakes Region, drawing attention to and seeking their views on relevant recommendations contained in the report of the Group of Experts.

16. On 20 June 2006, the Committee received a letter from the Permanent Representative of Rwanda to the United Nations, conveying a list of weapons surrendered by Colonel Jules Mutebutsi to the Rwandan authorities, as requested by the Committee in its letters of 19 January and 8 March 2006.

17. On 20 July 2006, the Chairman of the Committee briefed the Council in informal consultations on the latest report of the Group of Experts and on the activities of the Committee as part of the Council's review of the sanctions regime, pursuant to paragraph 3 of resolution 1616 (2005).

18. On 23 August 2006, the Committee sent two notes verbales informing Member States of the relevant recommendations contained in the latest report of the Group of Experts and of the adoption of resolution 1698 (2006).

19. At informal consultations held on 31 October 2006, the Committee considered two letters from the Under-Secretary-General for Peacekeeping Operations concerning the implementation by MONUC of the recommendations contained in the latest report of the Group of Experts, and informing the Committee that the Government of the Democratic Republic of the Congo had not consulted with MONUC in the designation of two additional receiving sites for the supply of arms and related materiel, pursuant to paragraph 4 of resolution 1596 (2006). The Committee also considered a letter from the Chairman of the Group of Experts informing it of the failure of the Government of Uganda to provide access to the Nakasongola arms factory, and a letter from the Permanent Representative of Uganda to the United Nations dated 27 October 2006, addressed to the Chairman, inviting the Group of Experts to a meeting with the President of Uganda on the same day. The Committee decided to send a letter to the Government of Uganda requesting that it arrange for the Group to visit the Nakasongola factory during January 2007, and informed the Group of Experts accordingly.

20. At the same informal consultations, the Committee also decided to send a letter to the Chairman of the Group of Experts requesting that it provide the Committee, in its interim report due on 20 December 2006, with information concerning the situation in Kinshasa in the context of the arms embargo, pursuant to the Council's request contained in the presidential statement of 22 September 2006 (S/PRST/2006/40). The Committee also considered a letter from the Permanent Mission of Switzerland to the United Nations expressing concern that the latest report of the Group of Experts did not contain updated information in connection with the activities of the company Argor-Heraeus, as presented by the Permanent Representative of Switzerland at informal consultations on 31 March 2006. The Committee agreed to bring the issue to the attention of the Group of Experts and to seek its views on whether that company, as well as the company Hussar Ltd., was still involved in the Ituri gold trade, as reported in S/2005/436 and S/2006/53. The Group of Experts responded to the Committee on 4 December 2006, expressing the view that despite the limited information at its disposal, it believed it was safe to assume that the companies had ceased the activities previously reported. The Committee considered and agreed to respond to a letter of 17 October 2006 from the Secretary-General of ICAO, describing its actions taken to implement the recommendations contained in S/2006/525 and offering its cooperation to the Group of Experts in the fulfilment of its mandate. It was also agreed to send letters to the Permanent Representative of Rwanda to the United Nations reiterating the Committee's continued interest in receiving a full written response to the issues raised in its previous letters, of 19 January and 8 March 2006; and to the World Bank Director for the South Central Africa and Great Lakes Region reiterating the interest of the Committee in receiving his views on the relevant recommendations contained in the report of the Group of Experts.

21. During the period covered by the present report the Committee considered and discussed three confidential annexes submitted by the Group of Experts but did not take a decision on the listing of additional individuals or entities.

22. During the reporting period, the Committee received three notifications pursuant to paragraphs 2 (a) and 4 and three notifications pursuant to paragraph 2 (c) of resolution 1596 (2005). On 24 August 2006, the Committee authorized payment of benefits to Ignace Murwanashyaka, pursuant to paragraph 16 (a) of that resolution, at the request of the Government of Germany.

23. On 15 December 2006, the Committee heard a briefing by the Chairman of the Group of Experts and began consideration of the Group's interim report.

24. The Committee has to date received 19 replies from Member States, pursuant to paragraph 20 of resolution 1596 (2005) (see appendix).

Appendix

Replies received in accordance with paragraph 20 of resolution 1596 (2005)

State	*Date of communication*	*Symbol*
Rwanda	1 June 2005	S/AC.43/2005/1
Canada	2 June 2005	S/AC.43/2005/2
Switzerland	2 June 2005	S/AC.43/2005/3
Norway	6 June 2005	S/AC.43/2005/4
South Africa	10 June 2005	S/AC.43/2005/5
Uganda	27 June 2005	S/AC.43/2005/6
	30 June 2005	S/AC.43/2005/6/Add.1
United Kingdom	27 June 2005	S/AC.43/2005/7
Sri Lanka	28 June 2005	S/AC.43/2005/8
Russian Federation	30 June 2005	S/AC.43/2005/9
Lithuania	11 July 2005	S/AC.43/2005/10
Portugal	14 July 2005	S/AC.43/2005/11
United Republic of Tanzania	21 June 2005	S/AC.43/2005/12
Burundi	29 July 2005	S/AC.43/2005/13
Democratic Republic of the Congo	15 August 2005	S/AC.43/2005/14
Brazil	18 August 2005	S/AC.43/2005/15
	28 September 2005	S/AC.43/2005/15/Add.1
Japan	9 December 2005	S/AC.43/2005/16
Brazil	13 February 2006	S/AC.43/2006/1
Ukraine	22 August 2006	S/AC.43/2006/2
Argentina	5 October 2006	S/AC.43/2006/3